

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-24 and 36-45 are pending in the application, with claims 1, 37-40, 43, and 44 being the independent claims. Claims 1, 37-40, 43, and 44 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Telephone Interview Held February 4, 2010

Applicants would like to thank the Examiner for the telephone interview held on February 4, 2010 between the Examiner and Applicants' representatives. During the interview, the parties discussed the amendments presented herein in order to overcome the objections and the rejections under 35 U.S.C. §§ 101 and 112. The Examiner indicated he would be willing to enter these amendments after Final in order to resolve the outstanding objections and the rejections under 35 U.S.C. §§ 101 and 112.

The parties further discussed the rejection under 35 U.S.C. § 103. Although no agreement was reached, the Examiner cited to paragraphs [0113], [0122], [0126], [0128], [0141], and [0143] of the Published Specification as potentially containing subject matter that could, if claimed, help advance prosecution to allowance. Applicants thank the Examiner for the suggestions, which they will take under advisement.

The Examiner is invited to contact the undersigned if any further amendments are believed to better place the claims in condition for allowance, or to resolve any outstanding objections or rejections under 35 U.S.C. §§ 101 and 112 in preparation for appeal.

Entry of Amendment After Final Rejection

Applicants respectfully request the entry of the aforementioned amendments. The amendments require no additional search by the Examiner, and place the claims in better form for consideration on appeal by accommodating several of the Examiner's rejections and objections.

Objection to the Claims

The Examiner has objected to claims 1-24, 36-42, 44, and 45 for various alleged informalities, as discussed herein:

Objection to claims 1, 37, 38, 40, 44, and 45

The Examiner has objected to claims 1, 37, 38, 40, 44, and 45 for reciting "various steps/elements 'configured to' perform certain functions." The Examiner argues that "[i]t is not certain whether these functions are part of the claim because they are not positively recited only 'configured to' perform them." (Office Action, p. 5).

Applicants find no basis for the Examiner's objection, nor does the Examiner provide any. Applicants note that the Federal Circuit has found no reason to object to the language "configured to" in a number of cases it has decided. (*see, e.g., Boss Industries*,

Inc. v. Yamaha Motor Corp., Fed. Cir. No. 2008-1311 (May 28, 2009); Paragon Solutions, LLC. V. Timex Corp., Fed. Cir. No. 2008-1516 (May 22, 2009); and In re Stauffer, Fed. Cir. No. 2007-1445 (July 24, 2008)). However, although Applicants do not acquiesce, the claims have been amended where appropriate to delete usage of "configured to" and to instead provide clearly positive recitations, in the interest of expediting prosecution.

Objection to Claims 37, 38, and 39

The Examiner has objected to claims 37, 38, and 39 as allegedly containing various antecedent basis issues. The claims have been amended to correct the various typographical errors. Applicants note that the prior status of claim 39, introduced in the previous Reply, is assumed to have included the deletion of the term "voice," and therefore it is reintroduced herewith by amendment.

Conclusion

The aforementioned objections have been accommodated. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the objections to claims 1-24, 36-42, 44, and 45.

Rejections under 35 U.S.C. § 101

The Examiner has rejected claim 44 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claim 44 as amended recites, *inter alia*, "memory means storing the deploying means and the invoking means" and "processing

means processing the deploying means and the invoking means." Accordingly, claim 44 is directed to statutory subject matter. Applicants therefore respectfully request the reconsideration and withdrawal of the rejection of claim 44 under 35 U.S.C. § 101.

The Examiner further appears to have maintained the rejection of claim 38 under 35 U.S.C. § 101, although the Examiner does not separately state this in the claim rejections section for 35 U.S.C. § 101 beginning on page 6 of the Office Action. This rejection is noted by the Examiner in the "Response to Amendment" section beginning on page 2 of the Office Action. Applicants have amended claim 38 to instead recite, "stored on a memory storage device and executed by a computing device." Accordingly, the computing device is actively recited and therefore the claim is directed to statutory subject matter. Applicants therefore respectfully request the reconsideration and withdrawal of the rejection of claim 38 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 37, 38, and 43 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement for reciting a "tangible computer-readable medium." Although Applicants respectfully disagree with the Examiner's assertion, claims 37, 38, and 43 have each been amended to instead recite a "memory storage device," support for which can be found at least at paragraph [0042] of the Published Specification. Applicants therefore respectfully request the reconsideration and withdrawal of the rejection of claims 37, 38, and 43 under 35 U.S.C. § 112, first paragraph.

Rejections under 35 U.S.C. § 103

Claims 1, 3-11, 16-24, and 36-45

The Examiner has rejected claims 1, 3-11, 16-24, and 36-45 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,173,266 to Marx *et al.* ("Marx") in view of U.S. Patent No. 6,182,045 to Kredo *et al.* ("Kredo"). Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*, "developing a specific voice application utilizing at least one generic software component in a development environment, ***wherein the specific voice application accesses a generic dialog asset from a remote central repository via a remote repository interface***" and "deploying the specific voice application in a deployment environment located on a deployment platform separate from a development platform running the development environment, ***wherein the specific voice application accesses the generic dialog asset from the remote central repository***, and wherein the deployment environment provides remote-streaming runtime access to the remote central repository."

As previously indicated in the Reply dated July 29, 2009, there is no teaching, suggestion, or motivation in the references that would lead one of ordinary skill in the art to modify Kredo to provide its "audio server" in both a development and deployment environment. Moreover, Kredo says nothing about a development environment whatsoever. Modifying Kredo to support an "audio server" available to both a development environment and a deployment environment would render Kredo inoperable for its intended purpose, which is to provide "a universal access method and system for the ***maintenance of audio announcements***." (Kredo, col. 1, ll. 50-51). Any

such modification would wrest control of the "audio server" from a maintainer of the Kredo system, and would bestow this control upon a developer, which is nowhere to be found in Kredo.

In responding to this argument, the Examiner indicates that Kredo "shows that an IVR development/deployment system that consists of various platforms." (Office Action, p. 4). The Examiner's reference to FIG. 2 in the Office Action is understood to mean FIG. 1, the only figure, of Kredo. The Examiner states that "the IVR system components can be designed at the Element 12 terminal (Col. 3, lines 8-32)." (Office Action, p. 4). This referenced section of Kredo regards the ability of an administrator to "administer and edit audio files on server 20." (Kredo, 3:8-32).

In response, Applicants note that the ability to administer and edit audio files on the server of Kredo is not akin to "the specific voice application access[ing] the generic dialog asset from the remote central repository" while part of either the development environment or the deployment environment. Even assuming, arguendo, that the terminal of Element 12 in Kredo is analogous to a development environment, to which Applicants do not acquiesce, it is not the same "specific voice application" which is "access[ing] the generic dialog asset from the remote central repository," as recited in claim 1. It would therefore be impossible to use the teachings of Kredo, in combination with Marx, to obtain the features recited in claim 1.

Marx does not supply the missing teaching or suggestion. Specifically, the combination of Marx and Kredo does not teach or suggest, at a minimum, "developing a specific voice application ... in a development environment ... configured to access a generic dialog asset from a remote central repository," where the "specific voice

application configured to access the generic dialog asset from the remote central repository” is “deploy[ed] ... in a deployment environment ***located on a deployment platform separate from a development platform,***” as recited in claim 1

Marx is directed to “customiz[ing] the features of a Service ... which allows the developer to change the parameters (and behavior during execution) of the Service without having to recompile the service.” (Marx, col. 17, ll. 44-48). Marx further states that “features can be customized through runtime application programming interfaces contained within the dialog modules.” (Marx, col. 17, ll. 48-50). The Examiner appears to argue, to which Applicants do not acquiesce, that by placing these modules on an external server, such as the “audio server” of Kredo, the references teach or suggest the usage of a “remote central repository” as in claim 1. However, there is clearly no teaching or suggestion of a “deployment platform separate from a development platform” in the combination of Marx and Kredo.

Nowhere does the combination of Marx and Kredo teach or suggest a “***specific voice application*** configured to access a generic dialog asset from a remote central repository” in ***both*** a development environment and a deployment environment “located on a deployment platform separate from a development platform,” as recited in claim 1. ***Applicants note that the Examiner must show a teaching or suggestion that a "specific voice application" is configured to perform the access from both a development and deployment environment, and has failed to establish a prima facie case of obviousness on at least this ground.***

The above-referenced section of Marx appears to suggest that any development and deployment occurs within the same environment, and merely moving the modules to

the “audio server” of Kredo does not remedy this deficiency. Any modules in Marx available during the development or deployment thereof are the same modules in both cases, even if they are stored remotely using Kredo. However, it is clearly not the case that Marx and Kredo teach or suggest access to a same remote central repository from both a development environment and a deployment environment “located on a deployment platform separate from a development platform,” as recited in claim 1.

For at least the aforementioned reasons, independent claim 1 is patentable over the combination of Marx and Kredo. Moreover, dependent claims 3-11, 16-24, and 36 are also not rendered obvious by the combination of Marx and Kredo for at least the same reasons as claim 1, from which they depend, and further in view of their own respective features. Reconsideration and withdrawal of the rejection of claims 1, 3-11, 16-24, and 36 under 35 U.S.C. § 103(a) is therefore respectfully requested.

Claims 37, 38, 39, 40, 43, and 44 recite analogous features, using respective language, to the aforementioned features of claim 1, and are likewise not rendered obvious by the combination of Marx and Kredo for at least the same reasons as claim 1, and further in view of their own respective features. Claims 41 and 42 depend from claim 40 and are likewise not rendered obvious by the combination of Marx and Kredo for at least the same reasons as claim 40, and further in view of their own respective features. Claim 45 depends from claim 37, and is likewise not rendered obvious by the combination of Marx and Kredo for at least the same reasons as claim 37, and further in view of its own respective features. Reconsideration and withdrawal of the rejection of claims 37-45 under 35 U.S.C. § 103(a) is therefore respectfully requested.

Claims 2 and 12-15

Claims 2 and 12-15 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Marx in view of Kredo and further in view of U.S. Patent No. 5,915,001 to Uppaluru ("Uppaluru"). Applicants respectfully traverse this rejection.

As noted above with regard to claim 1, the Examiner has failed to establish a *prima facie* case of obviousness over the combination of Marx and Kredo. Uppaluru does not supply the missing teachings or suggestions, and is not used by the Examiner in formulating a rejection regarding the features of claim 1. Accordingly, claim 1 is patentable over the combination of Marx, Kredo, and Uppaluru.

Claims 2 and 12-15 are therefore not rendered obvious by the combination of Marx, Kredo, and Uppaluru for at least the same reasons as claim 1, from which they depend, and further in view of their own respective features. Reconsideration and withdrawal of the rejection of claims 2 and 12-15 under 35 U.S.C. § 103(a) is therefore respectfully requested.


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

 28458
for Edward J. Kessler
Attorney for Applicants
Registration No. 25,688

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600